

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KINGSLEY O. EMEZIE,

Plaintiff,

v.

DANNY SMITH, et al.,

Defendants.

1:16CV567

**ORDER**

On July 14, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (ECF Nos. 4, 5.) Within the time limit prescribed by § 636, Plaintiff Emezic filed a letter that included what the Court has construed as Objections (ECF No. 6). The Court has reviewed Plaintiff's Objections *de novo* and finds that they do not change the substance of the Magistrate Judge's Recommendation which is hereby affirmed and adopted.

IT IS THEREFORE ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for failing to state a claim upon which relief may be granted, without prejudice to Plaintiff filing a new complaint in the proper forum setting out the basis for whatever claims he intends to pursue. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 8<sup>th</sup> day of September, 2016.

/s/ Loretta C. Biggs  
United States District Judge